

DRAWING AMENDMENTS

The attached sheet of drawings includes changes to Figs. 1 and 2B, i.e. reference numeral 50 was added to indicate the ratchet. This sheet, which also includes Figs. 2A and 3, replaces the amended drawing sheet submitted on June 20, 2005.

The entry of record and the approval of the amended drawings are respectfully requested.

Attachments: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

Reconsideration of the application is requested. This Amendment is being filed with an RCE, a Petition to Revive and a new Power of Attorney.

Claims 1 and 3-18 are now in the application and are subject to examination. Claims 1, 3, 4, 8 and 11 have been amended. Claim 2 has been canceled.

In "Drawings", item 1 on pages 2-3 of the above-identified Office Action, the Examiner objected to the drawings as not showing the ratchet means of claim 8.

In fact, the ratchets have always been shown in the drawings, but without a reference numeral, and claim 8 and paragraphs 0021 and 0022 have always described the ratchets. More specifically, claim 8 originally called for the first base plate 30 having a ratchet and paragraph 0022 of the Specification of the instant application called for the second base plate 10 having a ratchet.

Reference numeral 50 has accordingly been added to Figs. 1 and 2B. The Specification of the instant application has been amended to add reference numeral 50 thereto. As stated

above, the ratchets are located both on the roller 40 and on the base plate 10 which mutually engage, as well as on the base plate 30. Since both the structure of the ratchet and the description thereof were originally present in the disclosure as filed, no new matter has been added.

Although both ratchets may be provided, claim 8 has been amended to call for the ratchet being on the base plate 10 of the second member 120, since that is the ratchet which engages the ratchet on the roller 40.

In "Claim Rejections - 35 USC § 103", item 3 on pages 3-4 of the Office Action, claims 1, 5, 7, 10, 11-13 and 16-18 have been rejected as being obvious over U.S. Patent No. 5,937,585 to Tidbury et al. (hereinafter Tidbury) in view of U.S. Patent No. 1,447,271 to Soss under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103", item 4 on pages 4-5 of the Office Action, claims 2-4 have been rejected as being obvious over Tidbury in view of U.S. Patent No. 3,358,318 to Ingham and U.S. Patent No. 4,198,833 to Fleischauer et al. (hereinafter Fleischauer) under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103", item 5 on page 5 of the Office Action, claim 9 has been rejected as being obvious over Tidbury in view of U.S. Patent No. 4,086,681 to Nakanishi under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103", item 6 on page 5 of the Office Action, claims 14 and 15 have been rejected as being obvious over Tidbury under 35 U.S.C. § 103(a).

In "Claim Rejections - 35 USC § 103", item 7 on page 6 of the Office Action, claim 8 has been rejected as being obvious over Tidbury in view of U.S. Patent No. 4,544,192 to Angle under 35 U.S.C. § 103(a) (which was incorrectly listed as 35 U.S.C. § 102(b)).

In "Claim Rejections - 35 USC § 103", item 8 on page 6 of the Office Action, claim 6 has been rejected as being obvious over Tidbury in view of U.S. Patent No. 3,888,445 to Pence under 35 U.S.C. § 103(a).

Although it is believed that the claims were patentable over the cited art in their original form, claims 1 and 11 have been amended in an effort to even more clearly define the invention of the instant application. Support for the

changes is found in original claim 2 of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, an anti-rattle door assembly for a vehicle comprising:

a first member including a first base plate and a roller non-rotatably disposed on said first base plate, said roller having a section of high lubricity at an outer circumference thereof;

a second member having a roller receiving part for receiving said roller of said first member, said roller receiving part having a guide recess formed therein; and

a bumper element associated with said second member, said bumper element being mounted in said guide recess and being configured to at least partly enclose the roller when said first member and said second member are engaged.

Independent claim 11 calls for, *inter alia*, a vehicle door having an anti-rattle assembly, the anti-rattle assembly comprising:

a first member disposed on one of the vehicle door and a part of the vehicle defining the door, said first member including a first base plate and a roller non-rotatably disposed on said first base plate, said roller having a

section of high lubricity at an outer circumference thereof;

a second member disposed on the other of the vehicle door and the part of the vehicle defining the door, said second member having a roller receiving part for receiving said roller of said first member, said roller receiving part having a guide recess formed therein; and

a bumper element associated with said second member, said bumper element being mounted in said guide recess and being configured to at least partly enclose said roller when the vehicle door is in a closed state.

Thus, both independent claims 1 and 11 call for a first member having a first base plate and a roller non-rotatably disposed on the first base plate, as well as the roller having a section of high lubricity at an outer circumference thereof. Both also call for a bumper element associated with the second member, mounted in a guide recess and configured to at least partly enclose the roller when the vehicle door is in a closed state.

Although it is believed that independent claims 1 and 11 were patentable in their previous form, they have been amended to even further distinguish the claimed anti-rattle door assembly over the prior art. Therefore, the feature of claim 2 has been incorporated into claims 1 and 11 to state that

the roller has a section of high lubricity at an outer circumference thereof. In addition, claims 1 and 11 also now call for the roller being non-rotatably disposed on the first base plate, which is disclosed near the end of paragraph 0021 of the Specification of the instant application.

The Tidbury reference discloses a vehicle having a door 12, a door post 20 and an anti-rattle door assembly 24 having a first member 22 on the door 12 and a second member 26 on the post 20. A back plate 30 is disposed on the door 12 and a guide rail 34 of the back plate 30 has a pin 36 carrying a rotatable roller 38. Column 2, lines 39-42 of Tidbury make it clear that the roller 38 is rotatable.

The Soss reference describes a door aligning device having a door framework 10 with a unit 12 and a door 11 with a unit 13. A spring socket member 17 is formed of a strip of metal having a loop 19 and angular end portions 18. The unit 13 has a plate 22 with ears 24. A pin 25 passing through the ears 24 carries an anti-friction roller 26. The roller is rotatably mounted, as stated in lines 101-105 on page 1 of Soss. Fig. 3 shows that a resilient backing member 29 is provided behind the spring socket member 17, that is on the side facing away from the roller 26.

As outlined above, claims 1 and 11 have been rejected as being unpatentable over Tidbury in view of Soss. However, Tidbury fails to disclose a bumper element being mounted in a guide recess being configured to at least partially enclose the roller when the first member and the second member are engaged, as well as a roller being positioned on the first base plate so that it can not rotate. In column 2, line 42, Tidbury explicitly discloses that the roller is rotatably mounted on a pin.

Soss also mentions in lines 103-104 on page 1 thereof that an antifriction roller is rotatably mounted between ears. Moreover, Soss teaches the contrary of the anti-rattle door assembly as claimed in the instant application, because Soss proposes to provide a resilient backing member 29 for a spring socket member 17 in such a way that the bumper element is positioned outside the guide recess formed by the socket member.

Additionally, none of the prior art documents contains any hint that the roller is provided with a section of high lubricity at an outer circumference thereof. Such a section of high lubricity is not needed in the devices of Tidbury and

Soss because the roller is rotatable so that friction does not occur. Contrary thereto, the roller of the invention of the instant application cannot rotate and therefore allows a durable construction and a low cost manufacture of the anti-rattle door assembly.

Thus, when comparing the claims of the instant application to the prior art, it is seen that there is not merely a difference in structure, but advantages which stem from that difference in structure as well.

The Examiner has applied Ingham and Fleischauer to show the section of high lubricity which was originally recited in claim 2.

Ingham proposes a hydraulic checking device for controlling the closing speed of a door, wherein a piston is constructed from acetal resin such as that known by the trade name "Delrin", within an aluminum housing and with a hydraulic silicon fluid. That combination of materials had been found to provide a substantially frictionless movement of the piston. Neither the proposed combination of materials nor the existence of a piston is found in the invention of the instant application.

The Fleischauer reference relates to limited-torque transmissions and the control of slippage. That has nothing in common with the invention of the instant application, so that a person of skill in the art would never had considered Fleischauer.

In view of the above, no motivation can be found that would have led a skilled artisan to a combination of Ingham and Fleischauer with the teaching of an anti-rattle door assembly according to Tidbury, because there is no information that the anti-rattle door assembly of Tidbury needs to be improved by one of the technical aspects of the other prior art references.

Thus, it is respectfully believed that the Examiner has used impermissible ex-post facto wisdom derived from the disclosure of the instant application to reject the claims.

The additional references do not make up for the deficiencies of Tidbury, Soss, Ingham and Fleischauer.

Clearly, neither Tidbury nor Soss nor Ingham nor Fleischauer show:

a first member having a first base plate and a roller non-rotatably disposed on the first base plate, and

the roller having a section of high lubricity at an outer circumference thereof, and

a bumper element associated with a second member, mounted in a guide recess and configured to at least partly enclose the roller when the vehicle door is in a closed state,

as recited in claims 1 and 11 of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 11. Claims 1 and 11 are, therefore, believed to be patentable over the art.

The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 11.

In view of the foregoing, reconsideration and allowance of claims 1 and 3-18 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a

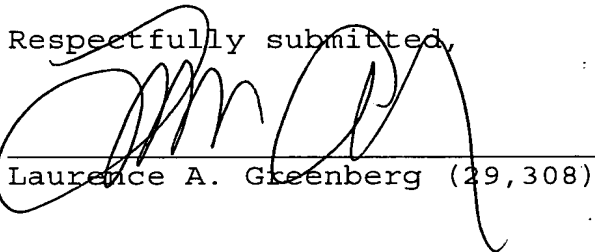
Application No. 10/689,671
Amdt. dated 5/3/06
Reply to Office action of 3/31/06

telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner Greenberg Stemmer LLP, No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to Deposit Account No. 12-1099.

Respectfully submitted,



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 Annotated Sheet Showing Changes

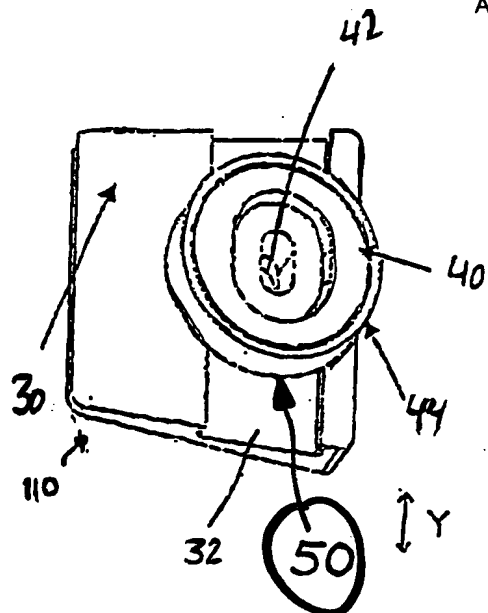


Fig. 1

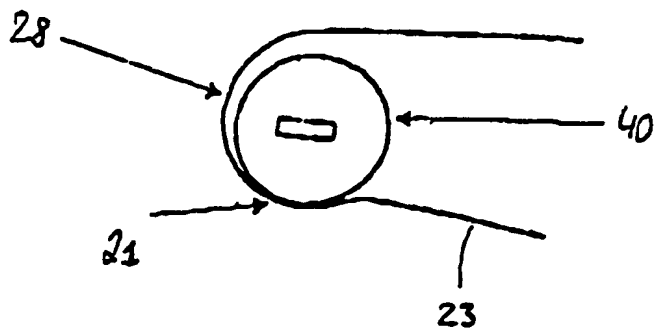


Fig. 3

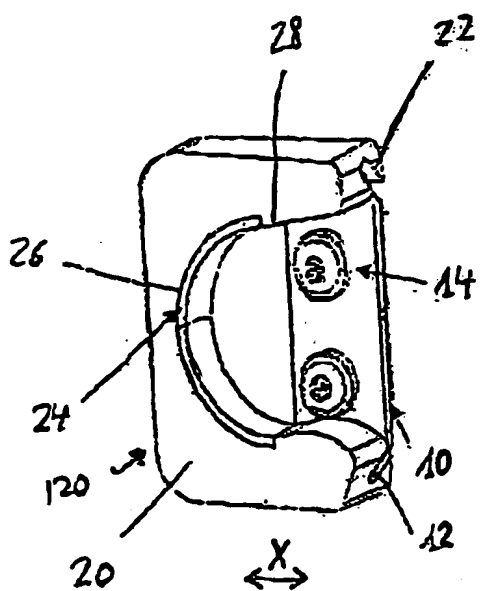


Fig. 2A

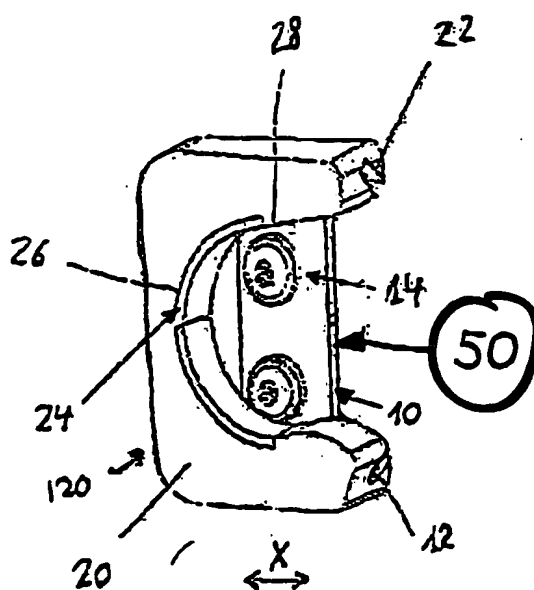


Fig. 2B